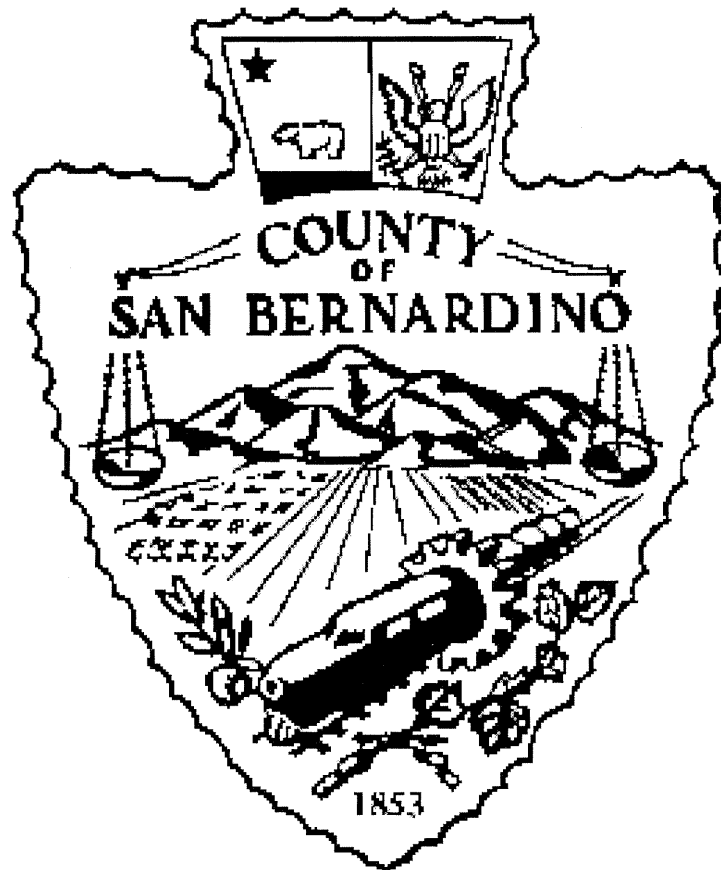


**COUNTY OF SAN BERNARDINO  
BOARD OF SUPERVISORS RESPONSE  
TO THE GRAND JURY  
FINAL REPORT**



**2006-07**

## **ADMINISTRATIVE COMMITTEE**

### **Architecture and Engineering 303 Building**

#### **Findings – Agree/Disagree**

Agree.

#### **RECOMMENDATION**

- 07-01. County agencies conduct their own environmental surveys before the purchase of any land or building.

#### **RESPONSE**

The county will conduct its own independent environmental survey before purchasing any new land or building.

#### **RECOMMENDATION**

- 07-02. That County Counsel insure all environmental surveys are completed by the county before agreeing to “As Is” or “With All Faults” purchases.

#### **RESPONSE**

The Board has implemented this recommendation. County Counsel routinely advises all departments involved in acquiring real property to conduct appropriate environmental surveys and investigations before agreeing to any purchase, including “as is” or “with all faults” purchases.

#### **RECOMMENDATION**

- 07-03. That County Counsel pursue reimbursement for county abatement costs of:
- Asbestos removal \$637,647.
  - Lead-based paint removal \$360,432.

#### **RESPONSE**

The Board is in the process of implementing this recommendation. On June 27, 2006, the Board authorized County Counsel to initiate litigation against 303, L.L.C. to obtain reimbursement for all asbestos and lead-based paint abatement costs. The County Counsel's Office is in pre-litigation discovery and negotiations with 303, L.L.C., pending final completion of the building renovations and costs determinations.

## **Board of Supervisors**

### **Findings – Agree/Disagree**

The Board of Supervisors agrees that the Board is currently working in a considerably more positive and cooperative manner than in 2006, and that such an environment fosters better service to the citizens of San Bernardino County.

## **County Administrative Officer**

### **Findings – Agree/Disagree**

Partially Agree. Every year departments are required to submit business plans to the County Administrative Office. Each department is expected to use its plan as a guide to accomplish its goals and objectives. During a given fiscal year, circumstances may arise that may prevent the department from adhering to the plan submitted to the Board of Supervisors for that fiscal year. The following fiscal year departments are to report back to the Board of Supervisors the status of the previous fiscal year's plan and document when applicable any deviation from that plan and how the deviation affected their ability to meet their goals and objectives.

### **RECOMMENDATION**

07-04. Continue the "Service First" Workshop presentations for all new employees.

### **RESPONSE**

The county has never had any intention of discontinuing the practice of requiring new employees to attend, on their first day of employment, an orientation that includes the Service FIRST customer service training component. The program has been such an overwhelming success that this year it was recognized nationally with a National Association of Counties Achievement Award.

### **RECOMMENDATION**

07-05. To insure the safety and integrity of the county, every employee who receives a payment from the county be required to pass a background check, including public office appointees and Board of Supervisors staff.

### **RESPONSE**

On September 11, 2007, the Board of Supervisors unanimously approved a policy requiring pre-employment and re-appointment reference and background checks on all potential new hires, including new contract employees and specified promotional candidates prior to hire. At a minimum, new employees will be subjected to a criminal courts check, fingerprinting, driving history check, Social Security number verification, address verification, employment history verification, and reference checks. The policy requires additional checks for certain positions.

## **RECOMMENDATION**

- 07-06. The County Administrative Officer continue to monitor the business plans of all departments.

### **RESPONSE**

The County Administrative Officer will continue to monitor the business plans of all departments. Performance measures will be evaluated and presented to the Board of Supervisors each year so that the county can ensure departments are achieving their goals and objectives. Adjustments to plans will be recommended if goals and objectives are not being met.

## **Human Resources Department**

### **Findings – Agree/Disagree**

Agree.

## **RECOMMENDATION**

- 07-07. The Human Resources Department continue to implement the program that gives each county employee a yearly and timely Work Performance Evaluation (WPE).

### **RESPONSE**

The Human Resources Department will continue to evaluate employees' work performance at least once per year and on a timely basis. The department agrees that only through regular WPEs can employees improve upon their work performance and conduct as appropriate. There is approximately 1% of WPEs that are six months or more overdue. Although the number of outstanding WPEs is considerably low, the department will strive to continually reduce overdue WPEs.

## **RECOMMENDATION**

- 07-08. The Human Resources Department continue to make a concerted effort to implement a "Standard Background Check" and move the policy to the County Administrative Officer to the County Administrative Officer and to the Board of Supervisors in a timely manner.

### **RESPONSE**

On September 11, 2007, the Board of Supervisors unanimously approved a policy requiring pre-employment and re-appointment reference and background checks on all potential new hires, including new contract

employees and specified promotional candidates prior to hire. At a minimum, new employees will be subjected to a criminal courts check, fingerprinting, driving history check, Social Security number verification, address verification, employment history verification, and reference checks. The policy requires additional checks for certain positions.

## **RECOMMENDATION**

- 07-09. The Human Resources Department continue to revise and implement the (1) standard dress and grooming program; (2) drug testing and alcohol testing; and (3) the revisions of the policies and procedures as indicated above.

## **RESPONSE**

Although the Human Resources Department currently has the majority of its policies and procedures implemented, it will continue to revise and implement all policies and procedures as necessary and in a timely manner.

Additionally, the department's Policy and Procedures Manual is currently under review to ensure all personnel practices are up-to-date and adhering to any legislative changes that may have occurred since the previous revision. The expected date for the Policy and Procedures Manual to be implemented is Fall of 2007.

## **Information Services Department**

### **Findings – Agree/Disagree**

Agree.

## **RECOMMENDATION**

- 07-10. Determine feasibility and cost factors to implement a countywide digital radio communications system

## **RESPONSE**

On May 15, 2007, the Board of Supervisors approved Contract No. 07-323 with DMJMH&N for consultant services to provide a programming/future needs assessment for a County Public Safety Operations Center (PSOC). The original contract included program/future needs assessments for a combined PSOC to include both Sheriff and Fire dispatch centers, the Emergency Operations Center, and the Information Services Department's 800 MHz Infrastructure support group.

On July 24, 2007, the Board approved an amendment to Contract No. 07-323 expanding the contract to include a full scale assessment that will include additional categories, such as, site and facility surveys, radio traffic analysis, and signal coverage analysis, as well as a recommended conceptual system design and probably cost analysis for a new digital system.

#### **RECOMMENDATION**

- 07-11. Implement a dialog with concerned departments using the county analog communications system to discuss analog issues, prepare a planned course of action and determine available funding resources to convert to a countywide **digital** communications system at a future date.

#### **RESPONSE**

As previously mentioned, on May 15, 2007, the Board of Supervisors approved Contract No. 07-323 with DMJMH&N for consultant services to provide a programming/future needs assessment for a County Public Safety Operations Center (PSOC). On July 24, 2007, the Board approved an amendment to this contract expanding the scope to a full scale assessment that will include additional categories, such as, site and facility surveys, radio traffic analysis, and signal coverage analysis, as well as a recommended conceptual system design and cost analysis for a new digital system. This assessment will include a collaboration with departments and other users of the county analog communications system to discuss issues, concerns, and options.

#### **RECOMMENDATION**

- 07-12. Review the current one-way pager, blackberry/goodlink communication systems to determine need, usage and cost effectiveness.

#### **RESPONSE**

As technology changes, the Information Services Department is continually reviewing pagers, cell phones, and wireless communication devices for need, usage, and cost effectiveness.

**Public Health Department  
Animal Care and Control**

**Findings – Agree/Disagree**

Agree.

**RECOMMENDATION**

- 07-13. Combine the existing multiple Animal Care and Control facilities in the Central Valley into a larger regional facility by using Joint Powers Agreements (JPA) of neighboring communities including the City of San Bernardino.

**RESPONSE**

The Animal Care and Control (ACC) program is in the process of developing a cost analysis and proposal to establish a Joint Powers Authority for animal shelter services. Conceptually, nine local municipalities, within the central valley region of the county, will be approached to explore the level of interest and desire to build a regionalized animal shelter facility. The nine local municipalities include the cities of Yucaipa, Highland, Redlands, Loma Linda, Grand Terrace, Colton, Fontana, Rialto, and San Bernardino.

**RECOMMENDATION**

- 07-14. Employ a full-time veterinarian to provide care, spay and neutering at a regionalized control center.

**RESPONSE**

If the regionalized center and related Joint Powers Authority (JPA) is established, the JPA intends to employ a full-time veterinarian at this facility.

**RECOMMENDATION**

- 07-15. Provide more space in an adoption center where people/families can interact with prospective adoptive pets.

The proposed Joint Powers Authority (JPA) to regionalize animal shelter services would accomplish this objective. The county intends to offer neighboring cities, in the central valley region, a viable proposal to regionalize the building of a new animal shelter facility which will allow for proportionate cost sharing for all partner communities. If the JPA proposal is not accepted or agreed upon by the various communities in the central valley region of the county, the department intends to continue the progress made at the Devore Animal Shelter by establishing a new pet adoption center at this location.

## **Vector Control Program**

### **Findings – Agree/Disagree**

Agree.

### **RECOMMENDATION**

- 07-16. Implement the Capital Improvement Plan (CIP) immediately to acquire a new centralized site with freeway access to cut down on travel time from the facility to the job site(s).

### **RESPONSE**

The Vector Control Program has drafted a CIP proposal in the amount of \$2.5 million to implement this recommendation. The draft is pending determination of funding sources for implementation and once determined, will be submitted immediately to the County Administrative Office for review. The CIP will address the issue of choosing a location closer to freeway access.

### **RECOMMENDATION**

- 07-17. The facility include separate dressing rooms and showers for men and women staff.

### **RESPONSE**

This item has been included in the current CIP request.

### **RECOMMENDATION**

- 07-18. Provide more space for personnel, specimens, storage and sensitive equipment, in the lab.

### **RESPONSE**

This item has been included in the current CIP request.

### **RECOMMENDATION**

- 07-19. In the interest of public health, the County Health Department develop a program to encourage desert cities to become more active in vector control activities to safeguard the citizens by applying for available state grants.



## **RESPONSE**

The Vector Control Program will continue to work with cities to develop programs for High Desert cities to contract for Vector Control Services. Currently the State of California, Department of Public Health, has not announced grant funding for vector control.

## **RECOMMENDATION**

- 07-20. Secure indoor parking of vehicles equipped with sprayers, and other equipment.

## **RESPONSE**

This item has been included in the current CIP request.

## **Risk Management Department**

### **Findings – Agree/Disagree**

Partially Disagree. The Risk Management website has never displayed any warning to the effect of, "Employees are under the watchful eye of a camera". The department discussed plans for the website with Grand Jury representatives and may have indicated that there would be warnings regarding the filing of fraudulent claims, however, there will not be a reference to employees being watched by cameras.

During discussions with Grand Jury representatives, the department indicated that it supported a background check policy, but that it would be developed by the Human Resources Department and/or the County Administrative Office.

## **RECOMMENDATION**

- 07-21. Risk Management remain a separate department reporting directly to the County Administrative Officer.

## **RESPONSE**

The Risk Management Department will continue to remain a separate department reporting directly to the Assistant County Administrative Officer. The Assistant County Administrative Officer reports directly to the County Administrative Officer and serves in his absence.

## **RECOMMENDATION**

- 07-22. The new Risk Management "User-Friendly" website for use by county employees be maintained and continued.

## **RESPONSE**

Risk Management expects to roll-out the redesigned website before the end of the calendar year.

## **RECOMMENDATION**

07-23. Every county employee be required to pass a standard background check.

## **RESPONSE**

On September 11, 2007, the Board of Supervisors unanimously approved a policy requiring pre-employment and re-appointment reference and background checks on all potential new hires, including new contract employees and specified promotional candidates prior to hire. At a minimum, new employees will be subjected to a criminal courts check, fingerprinting, driving history check, Social Security number verification, address verification, employment history verification, and reference checks. The policy requires additional checks for certain positions.

## **Solid Waste Management**

### **Findings – Agree/Disagree**

Partially disagree. The MOU with the City of Fontana provides for an Impact Fee paid to the City because of impacts from the Mid Valley Landfill. These funds are to be used on projects that satisfy a nexus test that is similar, but not the same as, the nexus test provided for the use of Environmental Mitigation Funds (EMF). Thus, the monies paid to Fontana are not from the EMF and are therefore subject to a different nexus test.

As to the City of Rialto, the relevant MOU is a Development Agreement that provides for the payment of a per-ton rate to the city that is unrelated to the existence of any impact of the Mid Valley Landfill. Rather, such sums are paid to secure development rights relative to the expansion of Mid Valley Landfill. Consequently, Rialto's use of the monies received from the county pursuant to the Development Agreement are not subject to a nexus test.

## **RECOMMENDATION**

07-24. Solid Waste Management set up a procedure to audit the use of EMF funds.

## **RESPONSE**

The Solid Waste Management Division (SWMD) plans to develop and implement audit procedures for the following:

- Use of Environmental Mitigation Funds (EMF) where the amount paid to a particular city exceeds a specific threshold amount. Threshold criteria will be established within the audit procedures.
- Use of Impact Fees received by the City of Fontana

The City of Rialto will be excluded from these audits because the city receives neither EMF monies nor Impact Fees from the county. The audits, which are projected to begin in July 2008, will be conducted by an outside independent audit firm.

## **RECOMMENDATION**

- 07-25. If cities are not using EMF funds pursuant to the MOU, Solid Waste Management request that those funds be returned to the county pursuant to the MOU.

## **RESPONSE**

The Solid Waste Management Division (SWMD) plans to implement a procedure to request the return of EMF (or Impact Fees) if individual audits confirm that the cities are not using these monies pursuant to the MOU. If any city does not reallocate these funds to a project that meets the nexus test within the contractually required 60-day period, demand will be made for the return of said funds to the county within 30 days for retention by the county until such time that a request is received for funds to support a project or activity that meets the nexus test. With respect to the City of Fontana, if it fails to reallocate any Impact Fees to a project that meets the nexus test, the MOU provides for a determination on disposition of the disputed funds to be made by a court.

## **RECOMMENDATION**

- 07-26. If Fontana and Rialto cannot meet the "Nexus Test", then Solid Waste Management renegotiate the tonnage rates paid to Fontana and Rialto in lieu of requiring those cities to meet the "Nexus Test".

## **RESPONSE**

Within the MOU with the City of Fontana, there is a nexus test in place regarding the use of the Impact Fees paid to the city. This MOU provides for a means of resolving disputes as to the use of the fees; thus, there is no need to renegotiate the MOU with Fontana to resolve the perceived problem.

The terms with the City of Rialto are contained in a Development Agreement. The payment of monies to Rialto pursuant to this agreement is unrelated to impacts of the Mid Valley Landfill and the use of these funds by Rialto is not

subject to a "Nexus Test" requirement. Given that the payment to Rialto is to secure the county's development rights in the expansion of the Mid Valley Landfill, the county has no legal basis to require the city to renegotiate the terms of the Development Agreement to include a nexus test or to reduce the per ton amounts.

## RECOMMENDATION

- 07-27. The County Counsel's Office include in all environmental mitigation funds MOU's the requirement that each city keep records for five years and that the county can audit the EMF monies as it deems necessary.

## RESPONSE

As noted in the Grand Jury's findings, each existing EMF MOU contains language regarding record retention by the city for five years, as well as granting the county the right to audit the use of EMF as it deems necessary or appropriate.

The MOU regarding Impact Fees and Mitigation Measures with the City of Fontana provides a mechanism (i.e., either the court or "an independent party mutually acceptable to the parties to this MOU") to determine if the city's Impact Fee usage satisfied the nexus test. While the MOU with Fontana does not address record retention requirements, Fontana is nevertheless required to retain materials for varying periods of time pursuant to state law. The proposed periodic audit of Fontana's use of the Impact Fees will be conducted at time intervals sufficient to insure Fontana's documentation regarding use of the Impact Fees is still retained pursuant to existing legal retention requirements. Therefore, there is no need to amend Fontana's MOU with the county to specifically require records retention for five years relative to the projects on which it uses its Impact Fees.

The Development Agreement with the City of Rialto does not deal with EMF payments nor with the payment of any monies related to impacts of the Mid Valley Landfill. Since there is no nexus test to be satisfied by Rialto, there is no need for (or right of) the county to audit Rialto's use of the monies or to require the retention of records for any period of time to allow for such an audit.

## **AUDIT/FISCAL COMMITTEE**

### **County Assessor**

#### **Findings – Agree/Disagree**

Agree.

#### **RECOMMENDATION**

- 07-28. The Assessor develop a formal structured training program to be consistent in all district offices.

#### **RESPONSE**

This recommendation does not call for a response from the county. The Assessor's response will be included as an attachment to this document.

#### **RECOMMENDATION**

- 07-29. Based on the review of the Assessor's facility, it is recommended that the Board of Supervisors carefully review the Assessor's overall business plan for 2007/08 and approve the request for funds to renovate the Assessor's offices, taking into consideration future capital improvement plans. Positive approval of the requested renovation funds would be a benefit not only to the Assessor's employees, but also to the county with the improved processing of vital property information. This approval should be prioritized and contingent upon the available funds as determined by the Board of Supervisors.

#### **RESPONSE**

The county will continue to work closely with the Assessor to develop the best possible CIP plan that meets the immediate safety and ergonomic needs of staff but also takes into consideration the office relocation plans currently being developed.

The county has approved a \$1.6 million CIP for the Assessor's Office at 172 West Third Street. The Assessor's request for additional funding was placed on hold until the department returns to the Board of Supervisors with a fully developed plan, including exploration of the use of special ADA funding to support upgrades to restrooms and furniture to ensure ADA compliance. The Assessor has approval to move forward with the current CIP project with the limited scope of painting, carpeting and improved lighting (without disturbing ceiling tiles).

## **ECONOMIC DEVELOPMENT COMMITTEE**

### **Redevelopment Agency**

#### **Findings – Agree/Disagree**

It should be noted the known toxic and hazardous waste problems have been addressed or are currently being planned via remedial action plans. Such sites include the California Speedway race facility, which serves as a “cap” on a portion of the old Kaiser Steel Mill site; and, multiple sites within the Kaiser Commerce Center Specific Plan area, which were also “capped” with large industrial warehouses and parking lots. The only site that has yet to be remediated is the East Slag Heap generally located between San Bernardino Avenue and Valley Boulevard, and Mulberry Avenue and Commerce Center Drive. ProLogis Development owns the site and is developing a remedial action plan for the Department of Toxic Substances Control Board’s review.

Other contaminated sites may exist in the Project Area; however, the extent of their contamination is unknown. This may or may not be a detriment to development/redevelopment in the area. The science of environmental remediation and the resources available are ever expanding, which can enable property owners within the project area to remove dangerous or hazardous health and safety conditions and maximize new development opportunities.

#### **RECOMMENDATION**

- 07-30. Monitor the present condition of the San Sevaire Project areas, which have been known to possess toxic and hazardous waste.

#### **RESPONSE**

The environmental assessment and monitoring are outside the purview of the Redevelopment Agency. The Agency is not equipped with the resources to carry forth such responsibilities, which include a scientific understanding of the environmental integrity of property, technical data collection and assessment, and expertise to ascertain if methods and remediation plans/techniques resolve existing problems.

Departments who are responsible for the monitoring of contaminated properties are the Department of Toxic Substance and Control under the State of California’s Environmental Protection Agency, the Integrated Waste Management Board, the Regional Water Quality Control Board, and the South Coast Air Quality Management District. The Redevelopment Agency can assist, when feasible, other agencies as it pertains to the history of real property in the project area.

In short, only property owners or those who are in the chain of title of ownership are held responsible for cleanup pursuant to state and federal law

whether or not they caused the contamination. Per previous correspondence with the Grand Jury, the Redevelopment Agency does not own any contaminated land within the project area. However, should there be any land within the project area that is contaminated and a property owner desires or is mandated to clean up the site, the Agency could potentially provide funding to assist in their remediation efforts if feasible.

## **HUMAN SERVICES COMMITTEE**

### **Department of Aging and Adult Services Ombudsman Program**

#### **Findings – Agree/Disagree**

The county disagrees with the finding that communication between the county and state officials is insufficient. The county ombudsman is in constant communication with the state ombudsman and an assigned state analyst for the program. Questions and concerns are resolved quickly between the two agencies. The state ombudsman is most responsive to our correspondence.

#### **RECOMMENDATION**

- 07-31. Increase media exposure to reduce turnover rate of the Ombudsman volunteer.

#### **RESPONSE**

Media exposure of the program would not affect the turnover rate of volunteers. Volunteers leave the program for a variety of personal reasons, and the rate in San Bernardino County is consistent with other areas of the state. However, increased media exposure could assist in recruitment of new volunteers into the program. In conjunction with a recent Department of Aging and Adult Services (DAAS) Elder Abuse Awareness campaign, volunteer opportunities in this program have been advertised in newspaper ads in an effort to increase the number of volunteers who apply to participate in the program. DAAS will continue to look for ways to highlight this meaningful volunteer experience to keep up with the population and need.

#### **RECOMMENDATION**

- 07-32. Install GPS Systems in all Ombudsman cell phones.

#### **RESPONSE**

Cell phones are not currently provided to Ombudsman volunteers. Ongoing costs to implement this recommendation (not counting the cost of the phone itself) would be \$480 per cell phone per year, or an annual cost of \$12,480 (for

26 volunteers). Funding to implement this recommendation is not available at this time.

**RECOMMENDATION**

- 07-33. Increase communications between state and county officials to assure a continued and successful Ombudsman Program.

**RESPONSE**

Existing communication methodology between the county ombudsman and the state ombudsman and the program analyst is timely, open and effective.

**Department of Children's Services  
Foster Care**

**Findings – Agree/Disagree**

Agree.

**RECOMMENDATION**

- 07-34. Purchase Global Positioning Systems (GPS) for Social Workers' area so that their location can be tracked when needed or assisted by other staff or law enforcement if in a dangerous situation.

**RESPONSE**

The department will install GPS capacity in its county vehicle fleet in 2007-08.

**RECOMMENDATION**

- 07-35. Add Social Workers to "Safe Measures" program.

**RESPONSE**

Social workers will be given access to "Safemeasures" via their desktop PC. Access will commence in mid-August. The initial implementation date was July 2007, but it became clear that staff would need some level of training to understand the various reports related to their caseload. Staff training on Safemeasures will begin in August and be offered throughout the fiscal year.



## **LAW AND JUSTICE COMMITTEE**

### **Indigent Defense Contracts**

#### **Findings – Agree/Disagree**

Agree.

#### **RECOMMENDATION**

- 07-36. The Board of Supervisors direct the County Administrative Officer to negotiate and award the contracts with indigent defense attorneys.

#### **RESPONSE**

The county will participate in the upcoming Request for Proposal process to award new contracts and those contracts will be brought before the Board of Supervisors for approval.

#### **RECOMMENDATION**

- 07-37. The County Administrative Officer set standards to insure that each contracting attorney and sub-contracting attorney is qualified to handle the type of case he/she is appointed to defend.

#### **RESPONSE**

The County Administrative Office will participate in the development, release, and approval of the indigent defense contracts and will determine the qualifications of those contractors via a Request for Proposals process.

#### **RECOMMENDATION**

- 07-38. The County Administrative Officer designate a county department, possibly Treasurer/Tax Collector, to handle all accountings and payments to contracting attorneys.

#### **RESPONSE**

The County Administrative Office has already entered into discussions with the courts to begin moving toward taking over the indigent defense contracts. Initially, that will begin with the Board of Supervisors approving the Request for Proposals, county involvement in the selection process, and the Board of Supervisors ultimately awarding the contracts. The next step in the process is to review how the courts are administering those contracts and to determine appropriate next steps, including the county taking on the administration of

those contracts itself. At this point it is premature in that process to designate a county department to take on that role; however, the county is continuing to move in that direction.

## **Indigent Defense Fee Collection**

### **Findings – Agree/Disagree**

The County Administrative Office agrees, with the following exceptions.

The county does not agree that the indigent defense fees collection program was discontinued. The program that was discontinued by the prior Presiding Judge was the Assessment of Ability to Pay Program, operated by the Treasurer-Tax Collector's Central Collections Division. The Treasurer-Tax Collector has continuously collected fees ordered by the court.

The county does not agree that the pilot program referenced at the Rancho Court was the collection of indigent defense fees program. The pilot program being developed at the Rancho Court is the Assessment of Ability to Pay Program and involves the assessment of a defendant's ability to pay indigent defense fees and the subsequent ordering of such fees. This program supplements the existing Indigent Defense Fees Collection Program but does not change it.

### **RECOMMENDATION**

- 07-39. The Treasurer/Tax Collector implement the indigent defense fee collection program countywide.

### **RESPONSE**

The Treasurer-Tax Collector's Central Collections Division already collects indigent defense fees as ordered by the court.

The Indigent Defense Assessment of Ability to Pay Program was implemented countywide in October 2004 and consisted of collections determining the defendant's level of financial responsibility based on set criteria utilizing the defendant's credit score and property ownership. The program was suspended in January 2006 due to Judges not acting on the recommendations of Collections. Working closely with the County Administrative Office, courts and the Treasurer-Tax Collector, the program resumed in 2006-07 as a pilot program through the Rancho Court. Program statistics for 2006-07 are not available however the county, courts, and Treasurer-Tax Collector are all very supportive of this program and will continue to work together to implement it countywide. The program procedures are still being developed and refined to ensure that both efficiency and effectiveness are maximized. Once the program procedures are complete and implemented, the County Administrative Office will work closely with the courts and Treasurer-Tax Collector to ensure a smooth countywide implementation.

## RECOMMENDATION

- 07-40. The Treasurer/Tax Collector work with the court to require the court bailiff to hand each defendant a financial questionnaire and a letter from "Central Collections" notifying them of their rights and ordering them to appear in 20 days to Central Collections.

## RESPONSE

The county will work closely with the Treasurer-Tax Collector, courts and Sheriff to determine if this recommendation is feasible and effective. The courts' Plea Bargain Agreement, which is distributed to defendants at arraignment, has already incorporated language on the reimbursement of attorney fees and the order to appear before the court financial officer within 20 work days. The Assessment of Ability to Pay Program procedures are still being developed and refined to ensure that both efficiency and effectiveness are maximized and how the financial questionnaire and letter of rights from the Treasurer-Tax Collector is distributed will be addressed.

## RECOMMENDATION

- 07-41. The Treasurer/Tax Collector work with the court to increase the "maximum attorney fees" to:

Misdemeanors	\$ 500.00
Felonies	\$ 1,200.00

## RESPONSE

The county has already conducted a preliminary updated fee study based on the cost of providing indigent defense services. It is the opinion of the County Administrative Office that the cost per case associated with providing these services is higher than what is currently paid to contract attorneys and the fee charged to defendants for reimbursement. The county will work with the Public Defender to compile adequate data to identify an accurate maximum fee. Data collection will be obtained from the Public Defender's automated case management system that is being procured for in 2007-08.

## RECOMMENDATION

- 07-42. The Treasurer/Tax Collector work with the court to establish attorney fee reimbursement in misdemeanor cases and in cases in which the defendant is acquitted.

## **RESPONSE**

The Indigent Defense Fees Collection Program is already set up through the Treasurer-Tax Collector to collect attorney fee reimbursement from defendants as ordered by Judges in misdemeanor cases. The county will work with the Public Defender, Treasurer-Tax Collector, and the court in addressing potential procedures for attorney fee reimbursement cases where the defendant is acquitted. Additionally, it is the county's position that once the Assessment of Ability to Pay Program is fully developed and implemented countywide, cases will be handled more consistently improving the rate of reimbursement collected.

## **RECOMMENDATION**

- 07-43. The Treasurer/Tax Collector work with the Sheriff's Department and the court to insure video arraignment defendants be included in the indigent defense collection program at the time of the video arraignment.

## **RESPONSE**

Video arraignment defendants are already part of the Indigent Defense Fee Collection Program when ordered by the court at arraignment. The county will work with the Treasurer-Tax Collector, court, and Sheriff through the further development and implementation of the Assessment of Ability to Pay Program to increase the number of video arraignment defendants that participate in the collection program. The process for ordering indigent defense fees is currently being reviewed and modified to increase effectiveness and efficiency through the development of the Assessment of Ability to Pay Program procedures. As part of improving the process, video arraignments will be included as part of the program.

## **RECOMMENDATION**

- 07-44. The Treasurer/Tax Collector work with the court to modify the arraignment docket sheet to remind judges to include the ordering of attorney fees in indigent misdemeanor and felony cases.

## **RESPONSE**

The court will update its arraignment docket/Offense Tracking System (OTS) with a section to remind the court to provide defendants with an advisory notice for fee reimbursement at arraignment. Additionally, the docket/OTS will remind the court at disposition to provide defendants with documents reminding them to appear at Central Collections regarding fee reimbursement.

## **Judicial Benefits**

### **Findings – Agree/Disagree**

Agree.

### **RECOMMENDATION**

- 07-45. The Board of Supervisors discontinue or reduce the judicial benefits paid to presently appointed or elected Superior Court Judges.

### **RESPONSE**

The county currently has in place a Memorandum of Understanding with the courts that since 2004 has called for the elimination of county-funded judicial benefits to judges appointed after January 1, 2008. According to the terms of the agreement, judges appointed prior to January 1, 2008 will continue to receive benefits on an ongoing basis. The county sees no reason at this time to amend the agreement.

### **RECOMMENDATION**

- 07-46. The Board of Supervisors not pay any judicial benefits to any new Judge appointed or newly elected after July 1, 2007.

### **RESPONSE**

The county currently has in place a Memorandum of Understanding with the courts that since 2004 has called for the elimination of county-funded judicial benefits to judges appointed after January 1, 2008. According to the terms of the agreement, judges appointed prior to January 1, 2008 will continue to receive benefits on an ongoing basis. The county sees no reason at this time to amend the agreement.

## **Probation Department**

### **Findings – Agree/Disagree**

Agree.

### **RECOMMENDATION**

- 07-47. The District Attorney's Office and the Public Defender's Office waive pre-sentence probation reports on negotiated pleas of the following crimes:
- Petty theft with a prior.
  - Vehicle theft where the vehicle is returned with minor damage.
  - Low level burglary.
  - Victimless crimes.
  - Drug cases without a victim.

**RESPONSE**

The Probation Department and Public Defender agree that this recommendation should be carried out and will work with the District Attorney to implement it.

**RECOMMENDATION**

- 07-48. The District Attorney's Victim/Witness personnel contact victims to determine reimbursable expenses and restitution when possible.

**RESPONSE**

This recommendation does not call for a response from the county. The District Attorney's response will be included as an attachment to this document.

**RECOMMENDATION**

- 07-49. The Treasurer/Tax Collector establish a financial services division to work with the court to calculate and collect restitution.

**RESPONSE**

This recommendation does not call for a response from the county. The Treasurer-Tax Collector's response will be included as an attachment to this document.

**RECOMMENDATION**

- 07-50. The Probation Department reassign Deputy Probation Officers freed up as a result of fewer probation reports, to provide greater supervision of high risk offenders. Any money saved by not hiring Deputy Probation Officers could be used to increase the number of additional Deputy District Attorneys or increase personnel in the Victim-Witness Program.

**RESPONSE**

The Probation Department will implement this recommendation following implementation of Recommendation 07-47.

**RECOMMENDATION**

- 07-51. The District Attorney and Public Defender request that defendants in negotiated pleas be sentenced immediately in order to free up jail space and court personnel.

**RESPONSE**

The county concurs with this recommendation and finds that it is in the best interest of all parties to sentence defendants in negotiated plea criminal case resolutions forthwith.

**Public Defender**

**Findings – Agree/Disagree**

Agree.

**RECOMMENDATION**

- 07-52. The Board of Supervisors approve funding for 18 additional Deputy Public Defenders and two Supervising Deputy Public Defenders.

**RESPONSE**

The Board of Supervisors is cognizant of the Public Defender's need for staff. To that end, the Public Defender's staff was increased over the past two fiscal years (2006-07 and 2007-08) by approximately 50 positions, of which approximately 20 positions were Deputy Public Defenders.

**RECOMMENDATION**

- 07-53. The Board of Supervisors approve funding for six Investigators and one Supervising Investigator.

**RESPONSE**

The Board of Supervisors is cognizant of the Public Defender's need for staff. To that end, the Public Defender's staff was increased over the past two fiscal years (2006-07 and 2007-08) by approximately 50 positions, of which 11 positions were Public Defender Investigators and one Supervising Public Defender Investigator.

## **RECOMMENDATION**

- 07-54. The Board of Supervisors approve funding for six Supervising Office Assistants and eight Office Assistant II's.

### **RESPONSE**

The Board of Supervisors is cognizant of the Public Defender's need for staff. To that end, the Public Defender's staff was increased over the past two fiscal years (2006-07 and 2007-08) by approximately 50 positions, of which approximately 15 positions were Office Assistants and five Supervising Office Assistant's.

## **RECOMMENDATION**

- 07-55. The Public Defender develop and initiate a case management system.

### **RESPONSE**

FACTS, the present case management system used by the Public Defender, is built upon a framework designed for the District Attorney. Consequently FACTS is incapable of reliably managing data unique to the Public Defender. Among many other types of data, the information not reliably monitored in the present system includes: number of legal conflicts declared, types of legal conflicts declared, and if and how the office was relieved from representation. Further, because FACTS is built on an outdated framework, it cannot automate many activities that newer systems can. Activities that newer case management systems can automate, but cannot be automated by FACTS include: case updating by bar code, case updating by electronic information sharing amongst agencies, and simple motion writing. Automating these tasks will make our present resources far more reliable, efficient and effective.

In 2006 the Public Defender organized a team of current Public Defender employees to study available case management systems and to design criteria for a Request for Proposals (RFP) from case management system vendors. The case management system team was comprised of supervisory level employees from the Public Defender's attorney, investigator, clerical, and IT staff. The Public Defender's case management system team met weekly over the course of five months and studied dozens of case management systems available on the market. One or more members of the team viewed four case management systems in practice in other offices and provided information to the team that then evaluated those systems' functionality. The team organized and drafted a RFP that was released in April 2007. In May and June 2007, potential vendors submitted detailed questions about the RFP, and the relevant county agencies responded to the vendor questions. The vendor proposals are due July 27, 2007. It is expected that the Public Defender case management system team will review the submitted proposals and will have enough information to select the best proposal prior to the conclusion of 2007.



## **RECOMMENDATION**

- 07-56. The Board of Supervisors authorize additional office space in Victorville and in Fontana for public defender use.

## **RESPONSE**

The 2007-08 budget included space for the Public Defender in each of the recommended areas. Two Capital Improvement Program requests have been approved. The county's Real Estate Services Department has been directed to acquire the necessary space.

## **Sheriff-Coroner**

### **Barstow Sheriff's Station And Detention Facility**

## **RECOMMENDATION**

- 07-57. Remodel and expand the existing Barstow jail and Sheriff's station using the vacant city land next to the facility.

## **RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

## **RECOMMENDATION**

- 07-58. The Board of Supervisors authorizes a Capital Improvement Plan to build and finance a new station and jail in Barstow.

## **RESPONSE**

The county agrees that additional space is needed at the Barstow Substation but does not agree that it is necessary to finance and build a new substation and jail. The adoption of the 2007-08 budget included \$600,000 for the first phase of a multiyear project to expand the substation. The total project cost is expected to exceed \$2.9 million. The scope of work includes office space expansion, additional restroom and locker facilities, parking expansion, and security improvements.

**RECOMMENDATION**

- 07-59. The Sheriff evaluate staffing needs for the facility in Barstow.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**Central Court Holding Facility**

**RECOMMENDATION**

- 07-60. The plumbing and drain problems in the Central Courthouse Holding Facility need to be repaired.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**RECOMMENDATION**

- 07-61. Update the fire suppression plan and modify the evacuation plan for the Courthouse Holding Facility.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**Coroner Division**

**RECOMMENDATION**

- 07-62. The County provide additional Coroner Investigators for the backlog of unidentified bodies.

**RESPONSE**

Modernizing the Coroner facilities and expanding the staff to accommodate needs has been a top priority for the Board of Supervisors, and much has been accomplished in this area. However, the county and the Sheriff concur that additional investigator positions are not needed. The department has dedicated a full-time investigator to this function. The Board of Supervisors will also give careful consideration to any request the Sheriff makes for additional support staff positions in this area.

**RECOMMENDATION**

- 07-63. Complete remodeling of the Apple Valley Facility and have the Real Estate Services Department investigate option to purchase facility.

**RESPONSE**

The county agrees with the recommendation to remodel the Apple Valley facility and remodel is currently underway. The facility is presently under a five-year lease agreement with a five-year option to extend, as well as first right of refusal to purchase.

**RECOMMENDATION**

- 07-64. Expand the ICE Program to include all Sheriff's jail booking facilities.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**RECOMMENDATION**

- 07-65. Consider providing stipends to Ice Specialists.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**Scientific Investigation Unit**

**RECOMMENDATION**

- 07-66. Hire additional DNA Analysts and Crime Scene Investigators.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**RECOMMENDATION**

- 07-67. Provide an area inside a warehouse or investigate construction of a more feasible way to house vehicles involved in crimes.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**RECOMMENDATION**

07-68. Charge law enforcement agencies a nominal fee for all evidence kits.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**RECOMMENDATION**

07-69. Provide funding for a digital server to download and secure all photos.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**Sheriff's Training Center/Academy**

**RECOMMENDATION**

07-70. Develop an alternate, flood free route, into the ground of the Sheriff's training facility.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

**RECOMMENDATION**

07-71. Repair buildings that are in poor condition and remove mold.

**RESPONSE**

This recommendation does not call for a response from the county. The Sheriff's response will be included as an attachment to this document.

## **PUBLIC AND SUPPORT SERVICES COMMITTEE**

### **Confire JPA Communications Center**

#### **Findings – Agree/Disagree**

Agree.

#### **RECOMMENDATION**

- 07-72. Revamp the pay scales and benefits to better retain dispatchers. This will also help in recruiting employees.

#### **RESPONSE**

CONFIRE dispatch salaries and benefits are negotiated by the San Bernardino County Fire Department and the employees union. In the process of negotiations, salary surveys are conducted by the County Fire Human Resources personnel and used for the basis of salary equity adjustments. The current contract expires on June 24, 2008. Negotiations should begin in early 2008.

#### **RECOMMENDATION**

- 07-73. Act promptly to implement the study of the Comm Center.

#### **RESPONSE**

The CONFIRE JPA will work in conjunction with the San Bernardino County Fire Department and Sheriff's Department to implement the assessment recommendations when they become available. The consultant report is due in December 2007.

#### **RECOMMENDATION**

- 07-74. Inform the public of this unique and valuable department.

#### **RESPONSE**

The CONFIRE JPA is implementing this recommendation.

Currently CONFIRE participates in the 911 for Kids program which teaches children when and how to call 911. They have also started constructing a website which will be a source of information regarding how 911 calls are processed, things to do to help process the 911 call, and general information about how wireless and Voice Over IP (VOIP) calls interface with the 911 system.

The first phase of the website project will be completed by October 2007 using CONFIRE staff and resources. The following phase is to include fire incident information and interactive maps.

Dependent upon funding, CONFIRE anticipates beginning phase two in November and completing it by June 2008. The completion date is dependent upon the implementation of their new Computer Aided Dispatch (CAD) system.

**Support Services Center, Hazardous Material Division,  
And Sewell Training Center**

**Findings – Agree/Disagree**

Agree. To clarify, Goal #6 is cited in the 2007-08 Business Plan (instead of 2006-07) and there are 32 fire districts to be reorganized into four regions (instead of 36 districts).

**RECOMMENDATION**

- 07-75. Explore with San Bernardino International Airport on alternate off-airport relocation sites.

**RESPONSE**

The County Fire Department has initiated action outlined in its 2007-08 Business Plan. It identifies the goal of completing an internal needs assessment and space allocation study by the close of 2007-08 and to begin researching available real estate, project estimates and potential revenue sources followed by a recommendation to the Board of Supervisors.

- 07-76. Execute 2006-07 Business Plan recommendations for relocation of the three County Fire communications centers and present recommendations to the Board of Supervisors.

**RESPONSE**

The County Fire Department has initiated action outlined in its 2007-08 Business Plan. It identifies the goal of completing an internal needs assessment and space allocation study by the close of 2007-08 and to begin researching available real estate, project estimates and potential revenue sources followed by a recommendation to the Board of Supervisors.

## **RECOMMENDATION**

- 07-77. Complete the reorganization of the 36 County Fire Districts that is before LAFCO.

### **RESPONSE**

The County Fire Department in conjunction with the County Administrative Office submitted all required documents to LAFCO for releasing of the Environmental Impact Report in August 2007. The goal is to have responses back in time for the LAFCO Commission to hear the item during the September 2007 meeting and completion of the fire reorganization by December 1, 2007.

## **Land Use Services**

### **Findings – Agree/Disagree**

Agree.

## **RECOMMENDATION**

- 07-78. Make an effort to notify area universities that the county has a serious need for planners; it should also consider offering grants and scholarships to qualified students in exchange for multiyear commitments to the county the full-time employment as an ultimate goal.

### **RESPONSE**

The Land Use Services Department has been in contact with the Human Resources Department for assistance in contacting local universities for qualified planners. Staff will be scheduled to attend the ENV Career Day at Cal Poly Pomona, to be held on Thursday, April 24, 2008, as well as developing an advertisement to be placed on the College of Environmental Design dedicated job board on the Internet. In addition, staff will be working with Cal State San Bernardino to determine how their Career Development Center can assist the county in recruitment efforts.

There are some limitations in our current civil service system that may affect the department's ability to follow the Grand Jury's recommendation to offer grants and scholarships. This will require in depth discussions with the Human Resources Department to determine if and how this can be accomplished. In addition, this also poses some limitations in our ability to compete in the "career day" arenas, when they are expecting prospective employers to accept applications and perform interviews. Currently, applications must be submitted to Human Resources, be scored, and placed on an eligible list of candidates before the interview process.

## **RECOMMENDATION**

- 07-79. When a land use permit is pulled, require pre-inspection before the work begins on large and small developments, inform all local law enforcement agencies of codes and laws regarding protected plants and trees. These agencies are required to enforce these ordinances and collaborate on enforcement with other departments.

### **RESPONSE**

The Land Use Services Department is in the process of implementing new development requirements as a result of the recent adoption, in March 2007, of the new General Plan and Development Code. New General Plan and Community Plan policies place emphasis on retention of Joshua Trees and other native plants. New Development Code requirements regarding landscaping and water conservation, hillside grading, and reduction of fugitive dust and soil erosion set new standards that are now being implemented. The department is currently in the process of preparing new protocol for vegetation removal and landscaping on new development. These new procedures should be in place within the next 90 days. Enforcement of the new requirements is also being addressed through Code Enforcement and other means.

## **RECOMMENDATION**

- 07-80. The existing technology of aerial photos/GPS be used to the fullest extent.

### **RESPONSE**

The Land Use Services Department has been working for two years to bring this technology to staff and have made GIS maps available through the department's Permits Plus System. Field tablets have been provided to Code Enforcement staff and are in the process of providing Building Inspectors with the same equipment. These tablets have GPS capabilities and provide access to information and an ability to download data from inspections in a real-time environment.

An added benefit of the GIS addition to Permit Plus allows the Planning staff to create project notices with aerial photo/maps in minutes versus the cumbersome process of cutting and pasting maps into word documents. With the assistance of the Information Services Department, staff now has a simple application that will combine project information from Permits Plus and maps from the GIS module, for a report that is professional and takes less time. In addition, the department is currently in the process of installing Google Earth on the required computers and will be working with the Assessor's Office to acquire access to their Property Information Management System (PIMS) for all staff.



## **Registrar of Voters**

### **Findings – Agree/Disagree**

Agree.

### **RECOMMENDATION**

- 07-81. Upgrade the temperature control in the Registrar of Voters warehouse to maintain a constant 78 degrees.

### **RESPONSE**

The current air conditioning system at the Registrar of Voters (ROV) warehouse is monitored and maintains a temperature of 78 degrees. However, when the outdoor temperature exceeds 100 degrees, the temperature may rise a few degrees. As part of the ROV upcoming remodel, the air conditioning system will be upgraded to maintain a constant temperature of 78 degrees.

### **RECOMMENDATION**

- 07-82. Upgrade ballot-counting scanners.

### **RESPONSE**

The Registrar of Voters acknowledges approximately 1% of ballot cards are damaged by ballot scanners and the California Elections Code has procedures to handle this situation. All voting system equipment, including optical ballot scanners, require state certification. The ballot scanners used by San Bernardino County are the only central count ballot scanners available from our voting system vendor.

The ballot scanners are mechanical machines that require maintenance and calibration. As the optical scanners warm up during operation, additional calibration is required to ensure smooth and proper operation. Since the Grand Jury visit, the vendor has provided a comprehensive repair and maintenance course. A certified scan technician is on-site during the official absentee ballot processing period.

### **RECOMMENDATION**

- 07-83. During the election process: (1) Prevent the voting machines from running out of print paper and malfunctioning; (2) Assure that there will be no shortage of paper ballots county-wide; (3) offer year-round training; and, (4) activate the security system.

## **RESPONSE**

Although the Registrar of Voters (ROV) purchased 1,000 additional VVPAT printers, isolated incidences of printer paper shortages occurred late in the evening for the November 2006 Gubernatorial Election. No voters were denied their right to vote. Polling places that experienced printer paper issues were instructed to follow California Elections Code Section 13316, which permits sample ballots to be used as absentee ballots. ROV will continue to work with the Secretary of State to minimize this concern. ROV complied with Secretary of State recommendations regarding paper ballots.

ROV will continue to improve poll worker training to address voting machine set-up and trouble shooting. Part of the ROV remodel project is the addition of a poll worker training center that will provide a learning environment. When the remodel project is complete, the camera system will be activated. The current system includes card activation entry and motion detectors.

# ATTACHMENT I

## 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP \_\_\_\_\_ FISCAL \_\_\_\_\_ DATE July 17, 2007  
DEPARTMENT ASSESSOR  
SUBMITTED BY JIM ERWIN, ASSISTANT ASSESSOR PAGE 24

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### FINDING – AGREE/DISAGREE

The Assessor agrees with the finding that there is a lack of a formal structured training program for positions such as Appraiser.

## ATTACHMENT II

### 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP FISCAL

DATE July 17, 2007

DEPARTMENT ASSESSOR

RECOMMENDATION NO. 7-28

SUBMITTED BY JIM ERWIN, ASSISTANT ASSESSOR

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#### RESPONSE

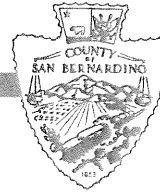
The Assessor will implement the recommendation to develop a formal structured training program to be consistent throughout the Assessor's Office by creating a Standards and Training Division.

#### Local Cost Impact

None

# TREASURER-TAX COLLECTOR

172 West Third Street, First Floor  
San Bernardino, CA 92415-0360  
(909) 387-8308



COUNTY OF SAN BERNARDINO

DICK LARSEN  
Treasurer-Tax Collector

ANNETTE KERBER  
Assistant Treasurer-Tax Collector

August 20, 2007

Superior Court of California  
Honorable Larry W. Allen  
303 West Third Street, Fourth Floor  
San Bernardino CA 92415-0302

RE: Grand Jury responses

In accordance with California Penal Code Section 933(c), which requires that, every elected county officer for whom a grand jury has responsibility shall respond to that grand jury's final report within 60 days of its presentation. The Treasurer-Tax Collector's Office has attached their responses.

As required by law, informational copies of these responses have also been provided to the Board of Supervisors.

Questions regarding these responses should be addressed to Dick Larsen, Treasurer-Tax Collector, at 909-387-6382.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard N. Larsen".

Richard N. Larsen,  
Treasurer-Tax Collector

igd/RNL  
Attachments

CC: Chairman, Second District Supervisor, Paul Biane  
First District Supervisor, Brad Mitzelfelt  
Third District Supervisor, Dennis Hansberger  
Fourth District Supervisor, Gary Ovitt  
Fifth District Supervisor, Josie Gonzales

# ATTACHMENT I

## 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP Law and Justice

DATE 07/27/07

DEPARTMENT Public Defender

SUBMITTED BY Dick Larsen, Treasurer/Tax Collector

PAGE 36-37

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### FINDING – AGREE/DISAGREE

Disagree with the following:

Background:

Indigent defense fee collection was not discontinued. The program that was discontinued by the prior Presiding Judge was the Assessment of Ability to Pay program, operated by the Treasurer-Tax Collector's Central Collections division.

Findings:

The pilot program referenced at the Rancho Court did not change the collection of indigent defense fees. The pilot program involved the assessment of a defendant's ability to pay indigent defense fees and the subsequent ordering of such fees.

## ATTACHMENT II

### 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP Law and Justice

DATE 07/27/07

DEPARTMENT Public Defender

RECOMMENDATION NO. 07-39

SUBMITTED BY Dick Larsen, Treasurer/Tax-Collector

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#### RESPONSE

The Tax Collector's Central Collections Division is currently collecting indigent defense fees as ordered by the Court.

Local Cost Impact

## ATTACHMENT II

### 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP Law and Justice

DATE 07/27/07

DEPARTMENT Public Defender

RECOMMENDATION NO. 07-42

SUBMITTED BY Dick Larsen, Treasurer/Tax-Collector

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#### RESPONSE

The Tax Collector will work with the Court in an attempt to ensure attorney fee reimbursement as appropriate in misdemeanor cases and in cases in which the defendant is acquitted.

#### Local Cost Impact

No additional local cost is anticipated.



## ATTACHMENT II

### 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP Law and Justice  
DEPARTMENT Public Defender  
SUBMITTED BY Dick Larsen, Treasurer/Tax-Collector

DATE 07/27/07  
RECOMMENDATION NO. 07-44  
PAGE 38

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#### RESPONSE

The Tax Collector will not be working with the Court to modify the arraignment docket sheet to remind Judges to include the ordering of attorney fees in indigent misdemeanor and felony cases.

The Tax Collector is working with the Court to modify the process for ordering indigent defense fees. The process under development will include safeguards to ensure the ordering of fees in indigent misdemeanor and felony cases happens as appropriate. The arraignment docket sheet has been eliminated by the Court and has been replaced by other tools and processes.

#### Local Cost Impact

No additional local cost is anticipated.

## ATTACHMENT II

### 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP Law and Justice

DATE 07/27/07

DEPARTMENT Public Defender

RECOMMENDATION NO. 07-43

SUBMITTED BY Dick Larsen, Treasurer/Tax-Collector

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#### RESPONSE

The Tax Collector will work with the Court and Sheriff in an attempt to ensure video arraignment defendants are included in the indigent defense collection program at the time of the video arraignment.

The Tax Collector's Central Collections Division is currently collecting indigent defense fees as ordered by the Court. Reimbursement of attorney fees in video arraignment cases are currently ordered based on the discretion of individual judges.

The Tax Collector is working with the Court to modify the process for ordering indigent defense fees. The Tax Collector will work with the Court in an attempt to ensure the process includes video arraignment cases. Implementation of the program and procedures is dependant upon approval of Courts.

#### Local Cost Impact

No additional local cost is anticipated.

## ATTACHMENT II

### 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP Law and Justice

DATE 07/27/07

DEPARTMENT Public Defender

RECOMMENDATION NO. 07-40

SUBMITTED BY Dick Larsen, Treasurer/Tax-Collector

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#### RESPONSE

The Tax Collector may implement the recommendation.

The Tax Collector will study this recommendation in coordination with the Courts and Sheriff to determine if it is feasible and effective.

#### Local Cost Impact

Unknown

## ATTACHMENT II

### 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP Law and Justice  
DEPARTMENT Probation  
SUBMITTED BY Dick Larsen, Treasurer/Tax-Collector

DATE 07/27/07  
RECOMMENDATION NO. 07-49  
PAGE 46

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#### RESPONSE

The Tax Collector may implement the recommendation.

The Tax Collector will work with the Courts, Probation, CAO and any other agency the CAO finds appropriate to study the feasibility of establishing a Financial Services Division to work with the Court to calculate and collect restitution.

#### Local Cost Impact

Unknown

## ATTACHMENT II

### 2006-07 GRAND JURY REPORT RESPONSE FORM

GROUP Law and Justice  
DEPARTMENT Public Defender  
SUBMITTED BY Dick Larsen, Treasurer/Tax-Collector

DATE 07/27/07  
RECOMMENDATION NO. 07-41  
PAGE 37

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#### RESPONSE

The Tax Collector is working with the CAO and Court and may increase the "maximum attorney fees" as recommended by the Grand Jury.


The CAO is conducting an updated fee study based on the cost of providing indigent defense services. If the CAO finds that, based on the cost of providing services, adjustment of the maximum fee is warranted, a recommendation will be made to the Court. A fee increase or decrease requires Court approval.

#### Local Cost Impact

A fee increase would result in additional general fund revenue.

# INTEROFFICE MEMORANDUM

**DATE:** August 29, 2007      **PHONE:** (909) 382-3659

**FROM:** MICHAEL A. RAMOS   
District Attorney  
San Bernardino County

**TO:** PRESIDING JUDGE LARRY ALLEN  
San Bernardino County Superior Court  
Mail code: 0302



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**SUBJECT:** 2006-2007 Grand Jury Final Report Responses

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Attached are the responses to the Grand Jury recommendations for fiscal year 2006-2007. If you require additional information, please feel free to contact our office at the number above.

# **ATTACHMENT I**

## **2006-07 GRAND JURY REPORT RESPONSE FORM**

GROUP: Law & Justice

DEPARTMENT: District Attorney

SUBMITTED BY: Michael A. Ramos

DATE: August 29, 2007

RECOMMENDATION: 07-47

PAGE: 45

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### **FINDING – AGREE/DISAGREE**

The San Bernardino County District Attorney's Office disagrees with the 2006-07 Grand Jury that pre-sentence probation reports should be waived on an expanded list of cases (recommendation 07-47) to the extent that those cases involve a victim or involve conduct representing a threat to public safety.

## **ATTACHMENT II**

### **2006-07 GRAND JURY REPORT RESPONSE FORM**

GROUP: Law & Justice  
DEPARTMENT: District Attorney  
SUBMITTED BY: Michael A. Ramos

DATE: August 29, 2007  
RECOMMENDATION NO.: 07-47  
PAGE: 45

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#### **RESPONSE**

As District Attorney of San Bernardino County, public safety and the protection of victim's rights are my primary responsibilities. I also have taken an oath to uphold the laws of the State of California. The Grand Jury has recommended that my office change its current policy and agree to waive probation reports in an increased number of felony cases. Although I have great respect for the Grand Jury and its recommendations, agreeing to the implementation of this recommendation would be inconsistent with my oath of office and my responsibilities to victims and the public.

The Grand Jury Report points out that there is a provision in the law that allows for the waiver of probation reports in felony cases (Penal Code Section 1203(b)(4)). What is not made clear in the report, however, is that the law also clearly provides that in felony cases a probation report is required, and that it should only be waived in unusual circumstances, (California Rules of Court, Rule 4.411). Furthermore, the law is very specific as to the information the probation report must include, and requires that it set forth the circumstances of the offense; the impact of the crime upon the victim; the defendant's criminal history; and the defendant's statement, (California Penal Code Section 1203(b); California Rules of Court 4.411.5).

I believe that the law places this emphasis on probation reports for good reasons:

Law enforcement spends a great deal of time and resources bringing criminals to justice. It is important to carefully document a criminal defendant's conviction so that if and when the defendant re-offends there is an official statement of his/her previous wrongdoing. Probation reports are heavily relied upon by prosecutors throughout the state to establish the nature and fact of prior felony convictions, which in our justice system can result in substantial increases in sentences.

Prosecuting attorneys are not allowed to speak to represented defendants and ask them why they should be given the benefit of probationary grants. This information is included in probation reports, and is highly useful when a defendant stands before the court after having re-offended and requests that he/she be given another chance on probation.



## **ATTACHMENT II**

### **2006-07 GRAND JURY REPORT RESPONSE FORM**

We live in an era in which unscrupulous individuals have very sophisticated methods of concealing their true identities and backgrounds. Unfortunately, it is not uncommon for defendants to misappropriate the identities of our innocent citizens to avoid appropriate punishment. The preparation of the probation report serves as an added safeguard against this very harmful deception.

Victims have a right to be kept informed of the legal proceedings and to express their views at sentencing concerning the crime, the person responsible, and the need for restitution (Penal Code Section 679.02). The law mandates the probation department to give adequate notice to victims of all sentencing proceedings and to inform victims of their restitution rights (Penal Code Sections 1191.1 & 1192.1). If probation reports are waived in cases involving victims, the probation department will not be able to fulfill these important responsibilities.

As the Grand Jury report notes, I currently have a policy in place, which authorizes my deputies to waive probation reports in specified felony drug offenses that do not involve a victim, a child, or a weapon. It is my understanding that many judges and defense attorneys are unaware of this policy and it is therefore being under utilized. I would support the Probation Department and Public Defender in an effort to increase probation waivers in accordance with my current policy.

In conclusion, I fully support the efforts of the Probation Department to provide an increased level of supervision to high-risk offenders. However, I cannot support the Grand Jury's recommendation to the extent that it involves overlooking legal requirements that constitute an important safeguard to victim's rights and the public safety.

#### **Local Cost Impact**

No additional cost impact.

GROUP: Law & Justice  
DEPARTMENT: District Attorney  
SUBMITTED BY: Michael A. Ramos

DATE: August 29, 2007  
RECOMMENDATION: 07-48  
PAGE: 45

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**FINDING – AGREE/DISAGREE**

To the extent that the recommendation involves negating the Probation Department's mandated responsibilities in this area, the San Bernardino County District Attorney's Office disagrees with the 2006-07 Grand Jury that the District Attorney's Victim/Witness personnel contact victims to determine reimbursable expenses and restitution.

## **ATTACHMENT II**

### **2006-07 GRAND JURY REPORT RESPONSE FORM**

GROUP: Law & Justice  
DEPARTMENT: District Attorney  
SUBMITTED BY: Michael A. Ramos

DATE: August 29, 2007  
RECOMMENDATION NO.: 07--48  
PAGE: 45

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#### **RESPONSE**

As set forth in our response to recommendation 07-47, the law requires that the Probation Department contact victims and include a statement in the probation report detailing the victim's reimbursable expenses and restitution. The Grand Jury's recommendation 07-48 would shift this responsibility from the Probation Department to the District Attorney's Victim Assistance Program. The Grand Jury's recommendation does not include any provision for adding staffing to the District Attorney's Office to adjust for the shifting of this responsibility. The Grand Jury wrongly presupposes that the District Attorney's Victim Assistance Bureau is presently staffed to take on this added burden. The Grand Jury thereby fails to recognize that our Victim Advocates are already overwhelmed with demands on their time and services. It would be irresponsible for the District Attorney to agree to provide this essential service when the law mandates that it be provided by the Probation Department and no provision has been made for the necessary supplemental staffing to our Victim Assistance Bureau.

#### **Local Cost Impact**

No additional cost impact.

GROUP: Law & Justice  
DEPARTMENT: District Attorney  
SUBMITTED BY: Michael A. Ramos

DATE: August 29, 2007  
RECOMMENDATION: 07-51  
PAGE: 46

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**FINDING – AGREE/DISAGREE**

The San Bernardino County District Attorney's Office disagrees with the 2006-07 Grand Jury that defendants in negotiated pleas be sentenced immediately to the extent that this would conflict with the rights of victims to have input into the sentencing process.

## **ATTACHMENT II**

### **2006-07 GRAND JURY REPORT RESPONSE FORM**

**GROUP:** Law & Justice  
**DEPARTMENT:** District Attorney  
**SUBMITTED BY:** Michael A. Ramos

**DATE:** August 29, 2007  
**RECOMMENDATION NO.:** 07--51  
**PAGE:** 46

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#### **RESPONSE**

The Grand Jury recommendation that defendants in negotiated pleas be sentenced immediately is tied to its recommendations relative to probation report waivers (07-47), and to its recommendation that District Attorney's Victim Assistance Advocates rather than Probation Officers contact victims for restitution information (07-48). This is the case since the immediate sentencing of defendants precludes the statutorily mandated contact of victims by the Probation Department and the preparation of probation reports. For the reasons stated relative to Grand Jury recommendations 07-47 and 07-48, these consequences pose serious concerns for the District Attorney's Office.

It is also important to note that in most instances, the immediate sentencing of defendants will preclude the opportunity of victims to present impact evidence. The law gives to victims the right to be notified of all sentencing proceedings and to appear at the sentencing and express his or her views (California Penal Code Section 679.02(a)(3)). This is an important protection that serves to insure that courts appropriately consider the harm to victims when sentencing defendants. It is also an important part of the "closure process" for many victims, who are struggling to recover from the physical, psychological, emotional, and financial harm of criminal acts. If sentencing is immediate upon the entry of a plea, there is no time to give the required notification to victims, and provide them with the opportunity to exercise this important statutory right.

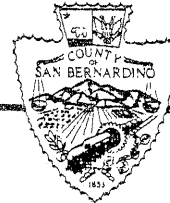
Although the District Attorney supports efforts to reduce the time lapse between the entry of plea and sentencing, support cannot be given to any procedure that serves to deny victims their lawfully entitled rights.

#### **Local Cost Impact**

No additional cost impact.



GARY PENROD, SHERIFF



August 28, 2007

Larry Allen, Presiding Judge of the Superior Court  
172 West Third Street - Second Floor  
San Bernardino, California - 92415-0302

Dear Judge Allen:

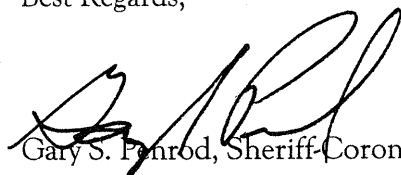
Pursuant to California Penal Code Section 933 (c), please accept the following responses to the findings and recommendations for the 2006-07 San Bernardino County Grand Jury's Final Report that was presented to your office on July 1, 2007.

As you know, the Grand Jury's Law & Justice Committee interviewed personnel from various operations within our Department, including the recently merged Coroner Division. We have reviewed the findings made subsequent to these assessments and offer our responses to the recommendations made for the following areas:

- Barstow Station
- Central Court Holding Facility
- Coroner Division
- Immigration & Customs Enforcement
- Scientific Investigations Division
- Training Center/Academy

Please let me know if there is any additional information you may need for clarification on our position. An informational copy of our responses is being provided to the County's Board of Supervisors, as required by law.

Best Regards,

  
Gary S. Penrod, Sheriff-Coroner

cc: County Board of Supervisors

**ATTACHMENT I**

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

**GROUP** Law & Justice

**DATE** August 23, 2007

**DEPARTMENT** Sheriff – Coroner

**RECOMMENDATION NO.** 07-57

**SUBMITTED BY** Gary Penrod

**PAGE** 51

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendation to remodel and expand the existing Barstow Station facility using the vacant city land adjacent to it. It should be clarified that, while some remodel and expansion may indirectly affect jail facilities, a remodel of the jail itself has not been considered in the current conceptual plan.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 07-57  
SUBMITTED BY Gary Penrod PAGE 51

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**RESPONSE**

The respondent is currently implementing the recommendation; preliminary meetings are being arranged with county Architecture & Engineering (A&E).

The vacant land adjacent to the Barstow Sheriff's Station is the Walter W. Stiern Park. The City of Barstow would either have to sell or provide the land to the county to allow for the remodel and expansion of the existing station and parking lot area.

Per the Barstow City Manager, Hector Rodriquez, the County of San Bernardino would have to submit a proposal to the city council for review and transfer of the property.

**Local Cost Impact**

The Board of Supervisors has approved \$2,945,988 in local cost appropriations for the project in the current scope identified by A&E; \$600,000 has been set aside in FY 2007-08's Capital Improvement Program funds to cover design and parking lot expansion costs. These funds do not represent any cost associated with the purchase and/or transfer of land from the City of Barstow to the County of San Bernardino.



**2006-07 GRAND JURY REPORT  
RESPONSE FORM**GROUP Law & JusticeDATE August 23, 2007DEPARTMENT Sheriff – CoronerRECOMMENDATION NO. 07-58SUBMITTED BY Gary PenrodPAGE 52

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**FINDING – AGREE/DISAGREE**

While the respondent agrees with the findings related to the current condition and space adequacy issues of the Barstow Station, he disagrees with the recommendation that the Board of Supervisors should (immediately) authorize a "Capital Improvement Plan" to build and finance a new station and jail in Barstow at this time.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 07-58  
SUBMITTED BY Gary Penrod PAGE 52

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**RESPONSE**

While the eventual need for a new station and jail cannot be disputed, the respondent requested and was given approval for local cost to expand and remodel the existing Barstow facility during the FY 2007-08 budget process. We believe this project will meet the station's space needs for the immediate future.

**Local Cost Impact**

None related to this item. Recommendation No. 07-57 discusses the appropriations approved by the Board of Supervisors for remodel and expansion.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice

DATE August 23, 2007

DEPARTMENT Sheriff – Coroner

RECOMMENDATION NO. 07-59

SUBMITTED BY Gary Penrod

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendation related to the evaluation of staffing needs at the Barstow Station.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff - Coroner RECOMMENDATION NO. 07-59  
SUBMITTED BY Gary Penrod PAGE 52

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**RESPONSE**

The respondent requires station and division commanders to make staffing recommendations on an annual basis. In FY 2005-06, the sheriff requested forty-nine (49) additional deputy sheriff positions to augment staffing for patrol of the unincorporated areas of the county. That year, the Board of Supervisors approved thirty-seven (37) additional positions; in FY 2006-07, they approved twelve (12) more for a total of forty-nine (49) positions. Of these, seven (7) were requested for and assigned to the Barstow Station. The department has no immediate plans for requesting additional patrol staff for this service area.

While respondent has made no requests for additional jail staffing, the Board of Supervisors was asked to fund a staffing study for the Detentions & Corrections system - which would include the jail at the Barstow Station - in each of the past two fiscal year budget proposals. Neither request was granted.

**Local Cost Impact**

As a result of Board-approved actions described above, allocations to the Sheriff-Coroner FY 2005-06 budget were increased by \$4,550,000 to fund 37 of the new positions. In FY 2006-07, \$1,505,748 was allocated for the remaining 12 positions. Of these amounts, \$866,535 was designated for the seven (7) new deputy sheriff positions assigned to the Barstow Station service area.

The local cost necessary for the countywide jail staffing study has been estimated at \$400,000.

**ATTACHMENT I**

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice

DATE August 23, 2007

DEPARTMENT Sheriff – Coroner

RECOMMENDATION NO. 07-60

SUBMITTED BY Gary Penrod

PAGE 53

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendation related to the need for repairs to the Central Court Holding plumbing and drain problems.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice

DATE August 23, 2007

DEPARTMENT Sheriff - Coroner

RECOMMENDATION NO. 07-60

SUBMITTED BY Gary Penrod

PAGE 53

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**RESPONSE**

The respondent is currently implementing this recommendation. A retrofit project has been initiated by county Architecture & Engineering (A&E) that includes the repair and re-plumbing of the Court Holding area. Bob Marlin is identified as the project manager.

**Local Cost Impact**

The project is currently out for bid with a preliminary cost estimate of \$350,000.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice

DATE August 23, 2007

DEPARTMENT Sheriff – Coroner

RECOMMENDATION NO. 07-61

SUBMITTED BY Gary Penrod

PAGE 53

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendation related to the need for updating the fire suppression plan and the modification for the Central Court Holding facility's evacuation plan.

**ATTACHMENT II****2006-07 GRAND JURY REPORT  
RESPONSE FORM**GROUP Law & JusticeDEPARTMENT Sheriff - CoronerSUBMITTED BY Gary PenrodDATE August 23, 2007RECOMMENDATION NO. 07-61PAGE 53**RESPONSE**

The respondent is currently reviewing and updating the fire suppression plan. The evacuation plan will be modified as necessary during the retrofit process of the plumbing project.

**Local Cost Impact**

There has been no local cost determination made with respect to this recommendation.



**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

**GROUP** Law & Justice

**DATE** August 23, 2007

**DEPARTMENT** Sheriff – Coroner

**RECOMMENDATION NO.** 07-62

**SUBMITTED BY** Gary Penrod

**PAGE** 54

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**FINDING – AGREE/DISAGREE**

While the respondent agrees with the findings and recommendation that the county provide additional staff to assist with the "backlog" of unidentified bodies, we do not believe actual "coroner investigators" are necessary to completely satisfy the service requirement; two support staff positions have been identified for consideration in Attachment II of this response.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff - Coroner RECOMMENDATION NO. 07-62  
SUBMITTED BY Gary Penrod PAGE 57

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**RESPONSE**

During FY 2006-07, one (1) current Deputy Coroner Investigator was dedicated to a Missing Persons/Unidentified Persons position. Respondent believes that current caseload does not require additional investigators, but one (1) new Sheriff's Service Specialist (SSS) position and one (1) additional Office Assistant III (OA III) position to support the existing investigator.

**Local Cost Impact**

The local cost impact of the two positions outlined above is as follows:

SSS	Salary: \$41,948	Benefits: \$23,136	Total: \$65,084
OA III	Salary: \$36,185	Benefits: \$20,979	Total: \$57,164

This proposal has not been presented to the Board of Supervisors; implementation is subject to funding of these positions.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 07-63  
SUBMITTED BY Gary Penrod PAGE 54

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendations as they relate to the complete remodeling of the Coroner Division's Apple Valley facility and having Real Estate Services investigate an option to purchase it.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 07-63  
SUBMITTED BY Gary Penrod PAGE 54

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**RESPONSE**

The respondent has implemented the recommendation which received Board of Supervisor approval on February 13, 2007. This included a five year lease with "right-of-first refusal" to purchase the property. The building is being refurbished to meet the current needs of the Coroner Division.

**Local Cost Impact**

The Board of Supervisors allocated \$120,000 of increased annual (ongoing) local cost into the Sheriff-Coroner budget during FY 2006-07 to offset lease payment obligations. Other costs associated with this lease include the initial remodel (one-time), and on-going custodial and utility expenses, which will be paid from the Sheriff-Coroner budget. The purchase price for the building would have to be negotiated at the end of the lease as an additional local cost consideration.

**ATTACHMENT I**

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice

DEPARTMENT Sheriff - Coroner

SUBMITTED BY Gary Penrod

DATE August 23, 2007

RECOMMENDATION NO. 07-64

PAGE 55

**FINDING - AGREE/DISAGREE**

The respondent agrees with the findings and recommendations related to the expansion of the Immigration and Customs Enforcement (ICE) program to include all Sheriff's jail booking facilities.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff - Coroner RECOMMENDATION NO. 07-64  
SUBMITTED BY Gary Penrod PAGE 55

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**RESPONSE**

The respondent may implement this finding based on the availability of funding. It is believed this recommendation will, in the long-term, reduce the recidivism rate into the county jail system by facilitating the removal of criminals illegally in the United States. However, as the background information in the recommendation observes, the mission of the ICE program is to screen all prisoners booked at the facility to determine immigration status. Intake volume at West Valley Detention Center continues to outpace the ability of the ICE staff to screen all potential violators. Therefore, the respondent's first priority is to add sufficient staff to screen all inmates at the West Valley Detention Center, where the program originated.

Expansion of the program to the respondent's remaining booking facilities could be phased in based on their housing capacity and intake volume. Further, the respondent will need to determine the staffing levels required to screen all inmates booked into those facilities.

**Local Cost Impact**

As noted in the recommendation, the required training is funded by the federal government; equipment costs are negligible. A Sheriff's Custody Specialist (SCS) earning the maximum salary and benefits is paid \$72,963 annually. ICE personnel also receive bilingual pay. However, until an analysis can be conducted to determine how many SCS positions must be added to achieve optimum coverage at each facility--and until the general employees' association and the county reach a new labor agreement--actual costs cannot be projected.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice  
DEPARTMENT Sheriff - Coroner  
SUBMITTED BY Gary Penrod

DATE August 23, 2007  
RECOMMENDATION NO. 07-65  
PAGE 55

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**FINDING - AGREE/DISAGREE**

The respondent agrees with the findings and recommendations related to consideration of providing stipends to specialists assigned to the Immigration and Customs Enforcement (ICE) program.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff - Coroner RECOMMENDATION NO. 06-50  
SUBMITTED BY Gary Penrod PAGE 57

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**RESPONSE**

The respondent may implement this finding based on the availability of funding. Prior to implementing this recommendation, research will need to be conducted to determine (1) if employees of other local agencies serving in similar assignment receive any enhanced compensation; and, (2) the level of compensation such employees receive in addition to their regular salaries.

Respondent would like to phase-in the ICE program at our remaining booking facilities (in accordance with the response to recommendation 07-64). Staffing levels, when full expansion is achieved, cannot be projected at this time.

Implementing this recommendation may require an amendment to the labor agreement between the county and the general employees' association.

**Local Cost Impact**

For reasons articulated here and in the response to recommendation 07-64, the impact on local costs cannot be determined at this time.



2006-07 GRAND JURY REPORT  
RESPONSE FORM

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 07-66  
SUBMITTED BY Gary Penrod PAGE 56

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendations related to the hiring of additional DNA Analysts and Crime Scene Investigators.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff - Coroner RECOMMENDATION NO. 07-66  
SUBMITTED BY Gary Penrod PAGE 56

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**RESPONSE**

The respondent is currently working to implement the recommendation. In early June 2007, a DNA Cold Case grant application was submitted in conjunction with the Specialized Investigations Division. A successful award would fund one (1) new Criminalist II position; sufficient attrition would allow the position to be absorbed into an existing (vacant) budgeted position at the end of the 18-month grant period. In addition to this, the RAN Board recently approved ongoing funding for two (2) new Criminalist II positions to handle the growing caseload.

Requests for another three (3) Criminalist II's and two (2) Crime Scene Investigators were submitted by the respondent during the FY 2006-07 and 2007-08 budget process as policy items; the positions were not funded.

**Local Cost Impact**

The policy item requests for the three (3) Criminalist II's would have resulted in a FY 2007-08 local cost impact of \$547,545 annually, ongoing. The local cost impact for the two (2) Crime Scene Investigator positions would have been \$233,556 annually, ongoing for the same period.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

**GROUP** Law & Justice

**DATE** August 23, 2007

**DEPARTMENT** Sheriff – Coroner

**RECOMMENDATION NO.** 07-67

**SUBMITTED BY** Gary Penrod

**PAGE** 56

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendations related to the provision of an area inside a warehouse or the investigation of new construction for a more feasible way to house vehicles involved in crimes.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 07-67  
SUBMITTED BY Gary Penrod PAGE 56

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**RESPONSE**

The respondent is currently working to resolve the vehicle-related issues, which are two-fold: (1) being the appropriate storage of vehicles that have already been processed and, in many cases, are evidence in criminal cases that have been adjudicated; however, District Attorney appeal constraints prevent the disposition of; (2) the immediate processing for evidence of vehicles that are brought to the crime lab, but for which only one indoor (protected) processing area currently exists.

The Scientific Investigations Division has recently facilitated a thorough needs assessment for a new crime lab facility. This assessment identified the need for an enlarged and enhanced crime scene processing garage and vehicle storage area.

A temporary solution for vehicle crime scene processing has been implemented. Carports have been purchased and installed providing some protection from the elements for outside storage and processing, when necessary.

**Local Cost Impact**

The Board of Supervisors earmarked \$25 million to construct a new crime lab facility in FY 2006-07; the assessment phase is complete. It is assumed the cost to construct a suitable warehouse would be included in the available funds. If not, the department would have to pursue new funding for a separate project.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

**GROUP** Law & Justice

**DATE** August 23, 2007

**DEPARTMENT** Sheriff – Coroner

**RECOMMENDATION NO.** 07-68

**SUBMITTED BY** Gary Penrod

**PAGE** 57

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings related to the provision of evidence kits to all San Bernardino County law enforcement agencies at no charge, but must conduct further research regarding the recommendation to charge these agencies a "nominal fee" for them.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 07-68  
SUBMITTED BY Gary Penrod PAGE 57

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**RESPONSE**

Respondent will explore cost recovery methods used by other county sheriff's departments that provide forensic laboratory support to its incorporated communities. Respondent would implement subsequent recommendations in accordance with Government Code §51350.

**Local Cost Impact**

There would be no foreseeable additional local cost impact. Revenues received would offset related department costs for crime lab operations, which could result in a reduction of local cost dollars allocated to the department's budget.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice

DATE August 23, 2007

DEPARTMENT Sheriff - Coroner

RECOMMENDATION NO. 07-69

SUBMITTED BY Gary Penrod

PAGE 57

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**FINDING - AGREE/DISAGREE**

The respondent agrees with the findings and recommendations related to the need for a digital server to download and secure all photos.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**GROUP Law & JusticeDATE August 23, 2007DEPARTMENT Sheriff - CoronerRECOMMENDATION NO. 07-69SUBMITTED BY Gary PenrodPAGE 57

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**RESPONSE**

The respondent will implement the recommendation subject to available funding. There have been grant-related requests that have not been awarded; no formal request to the Board of Supervisors has been presented to date.

**Local Cost Impact**

Preliminary research reveals the need for a primary and back-up server, the cost for each being approximately \$250,000. If requested as a local cost item, the total request would be approximately \$500,000.



**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

**GROUP** Law & Justice

**DATE** August 23, 2007

**DEPARTMENT** Sheriff – Coroner

**RECOMMENDATION NO.** 07-70

**SUBMITTED BY** Gary Penrod

**PAGE** 58

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendations related to developing an alternative, flood-free route into the Sheriff's Training Center.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff – Coroner RECOMMENDATION NO. 07-70  
SUBMITTED BY Gary Penrod PAGE 58

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**RESPONSE**

The respondent is currently implementing the recommendation.

The new housing track, known as Rosena Ranch, in the Lytle Creek area, has developed an alternate (emergency) access route to the Training Center over the Sycamore Creek wash. While not completely paved through to the development, substantial paving exists to allow an alternative, flood free route into the Center.

Additionally, the County of San Bernardino has explored different methods to improve the main access route at Institution Road. The current status of this project is unknown.

**Local Cost Impact**

There was no local cost impact for the Rosena Ranch access route; absorbed by developer. The cost of an approved mitigation project for Institution Road has not been finalized.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

**GROUP** Law & Justice

**DATE** August 23, 2007

**DEPARTMENT** Sheriff – Coroner

**RECOMMENDATION NO.** 07-71

**SUBMITTED BY** Gary Penrod

**PAGE** 56

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**FINDING – AGREE/DISAGREE**

The respondent agrees with the findings and recommendations related to the repair of and mold removal from Training Center buildings in poor condition.

**2006-07 GRAND JURY REPORT  
RESPONSE FORM**

GROUP Law & Justice DATE August 23, 2007  
DEPARTMENT Sheriff - Coroner RECOMMENDATION NO. 07-71  
SUBMITTED BY Gary Penrod PAGE 58

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**RESPONSE**

The respondent is currently implementing the recommendation.

Mold remediation has occurred on the affected buildings at the Training Center. Overall repairs have been substantially completed on several buildings, to include re-roofing, exterior trim repairs and sealing, interior wall repairs, new carpeting, and painting. Repair work will continue to mitigate the remaining building concerns.

It should be noted that in FY 2007-08's budget, the County Administrative Office recommended and approved funding for design costs associated with the construction of a new training center.

**Local Cost Impact**

Costs associated with the mold remediation and repair of the buildings have been covered by revenues from a college/academy-funded special revenue account, or by the ongoing operating budget through Facilities Management. There has been no additional local cost impact.

The monies allocated for design costs are \$500,000.